

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

GEORGE E. LEGG,

Plaintiff,

v.

CIVIL ACTION NO. 2:25-cv-00203

FAYETTE COUNTY COMMISSION, et al.,

Defendants.

ORDER

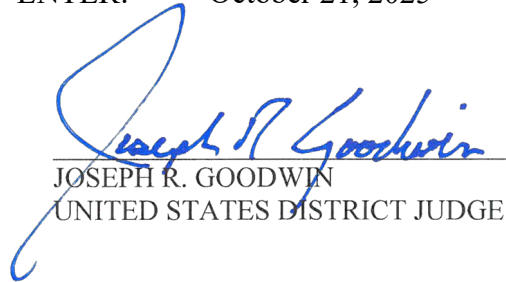
Pending before the court are the following motions: Plaintiff's Motion for a Jury Trial, [ECF No. 5]; Defendants' Motion to Dismiss, [ECF No. 11]; Defendants' Motion to Strike, [ECF No. 21]; and Plaintiff's Motion to Amend, [ECF No. 35].

The parties' Rule 26(f) report of planning provided dates the parties agreed for the case to progress, [ECF No. 24]. Then, the court's Scheduling Order set the deadlines for this case. Here, Plaintiff's Motion to Amend is timely within the Scheduling Order's deadline for amendment of pleading and joinder of parties. *See* [ECF No. 26]. The Plaintiff's amended complaint may also remedy the deficiencies alleged by the Defendants and allow the case to proceed on the merits. Fed. R. Civ. P. 15(a)(2) ("The court should freely give leave [to amend] when justice so requires."); *Foman v. Davis*, 371 U.S. 178, 182 (1962) (concerning Rule 15's freely given amendments, "this mandate is to be heeded"); *Matrix Capital Management Fund, LP v. Bearing Point, Inc.*, 576 F.3d 172, 193 (4th Cir. 2009) ("This directive 'gives effect to the federal policy in favor of resolving cases on their merits instead of disposing of them on technicalities.'") (quoting *Laber v. Harvey*, 438 F.3d 404, 426 (4th Cir. 2006)).

Therefore, the Plaintiff's Motion to Amend, [ECF No. 35], is **GRANTED**. To ensure the case progresses, the Plaintiff must file his amended complaint **no later than October 24, 2025**. Defendants' Motion to Dismiss, [ECF No. 11], is **DENIED without prejudice**, and if the Defendants believe the Plaintiff's amended complaint is still deficient, they may file a new motion to dismiss. Similarly, Defendants' Motion to Strike, [ECF No. 21], is **DENIED as moot**. Plaintiff's Motion for a Jury Trial, [ECF No. 5], is **GRANTED** in accordance with Federal Rule 38.

The court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: October 21, 2025



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE